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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,172	01/18/2001	John M. Baron	10004909-1	7463

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EXAMINER

NGUYEN, JENNIFER T

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,172

Applicant(s)

BARON, JOHN M.

Examiner

Jennifer T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. This office action is responsive to amendment filed on 12/23/2002.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 5, 6, 8, and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Brisebois et al. (U.S. Patent No. 6,369,803).

Regarding claim 1, referring to Figs. 1 and 2, Brisebois teaches a display (110) for use in controlling the execution of a functional device (100), said display (110) comprising an electronic control system housed in association with said display (110), said electronic control system including a switch platform (120) mounted to detect a touching about a periphery of said display (110) and to provide a plurality of discrete output signals each indicative of a portion of said periphery at which said touching is detected (col. 3, lines 20-67 and from col. 5, line 49 to col. 6, line 10).

Regarding claim 2, the combination of Goto and Brisebois further teaches display is a flat panel display (i.e. LCD) (col. 3, lines 35-45).

Regarding claim 5, Brisebois teaches said switch platform (120) comprises pressure sensitive switches (205) (i.e., upper surface) (col.5, lines 10-14 of Brisebois) mounted in proximity to respective edges of said display (110) and configured so that touching at a corner

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operates a corresponding one of said switches (205) and touching at a midpoint of one of said edges operates a corresponding pair of said switches (205).

Regarding claims 6 and 8, Brisebois teaches display (110) is mounted on said switch platform (120), said switch platform (120), which, in turn, is mounted on an enclosure, wherein said enclosure encompasses at least a portion of said functional device, and said switch platform (120) including pressure sensitive switches (205) positioned to detect pressure applied proximate respective corners of said display (110) (col. 3, lines 48-67 and col. 4, lines 49-51).

Regarding claim 10, Brisebois teaches display (110) is a rectangular shaped liquid crystal display device (col. 3, lines 45-47).

Regarding claim 11, Brisebois teaches electronic control system (500) is configured to cause said display (510) to display a value of a control parameter and to detect an operation of said switch platform (520) to change said value (Fig. 5a, from col. 8, line 58 to col. 9, line 7).

Regarding claim 12, Brisebois teaches electronic control system is configured to allow a user to selectively position a cursor or said display (400) (Fig. 4a, col. 8, lines 1-16).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois (U.S. Patent No. 6,369,803).

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Regarding claims 7, 9 and 16, Brisebois differs from claims 7 and 9 in that he does not specifically teach a pressure sensitive switch positioned to detect pressure applied to a central portion of said display. However, it would have been obvious to obtain a pressure sensitive switch positioned to detect pressure applied to a central portion of said display in order to allow user selects or enters the highlighted items on the display

6. Claims 3, 4, 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brisebois (U.S. Patent No. 6,369,803) in view of Goto et al. (U.S. Patent No. 5,862,419).

Regarding claims 3 and 4, Brisebois differs from claim 3 and 4 in that he does not specifically teach an optical imaging device wherein said optical imaging device includes an optical system configured to project an image onto a light sensitive media. However, referring to Fig. 2, Goto discloses an optical imaging device wherein said optical imaging device includes an optical system (20) configured to project an image onto a light sensitive media (Fig. 2 of Goto, Col. 4, line 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the an optical imaging device wherein said optical imaging device includes an optical system configured to project an image onto a light sensitive media as taught by Goto in the system of Brisebois in order to provide a display device with the better brightness distribution.

Regarding claim 13, referring to Figs. 1 and 2, Brisebois teaches a display (110) for use in controlling the execution of a functional device (100), said display (110) comprising an electronic control system housed in association with said display (110), said electronic control system including a switch platform (120) mounted to detect a touching about a periphery of said display (110) and to provide a plurality of discrete output signals each indicative of a portion of

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said periphery at which said touching is detected (col. 3, lines 20-67 and from col. 5, line 49 to col. 6, line 10). Goto teaches a display (13) for use in controlling the execution of a functional device (1) (i.e., camera) (Fig. 1, col. 3, lines 58-61).

Brisebois differs from claim 13 in that he does not specifically teach the functional device is a camera comprising: an optical system configured to project an image onto an imaging platform; a controller configured to control an operation of said optical system; and a display operable to provide a visual display of parameter values used in conjunction with said optical system. However, referring to Figs. 1, 2 and 6, Goto discloses a camera (1) comprising: an optical system configured to project an image onto an imaging platform; a controller (CPU) configured to control an operation of said optical system; and a display (13) operable to provide a visual display of parameter values used in conjunction with said optical system (col. 3, lines 33-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the camera comprising: an optical system configured to project an image onto an imaging platform; a controller configured to control an operation of said optical system; and a display operable to provide a visual display of parameter values used in conjunction with said optical system as taught by Goto in the system of Brisebois in order to support interactive communication between a user and the device.

Regarding claim 14, the combination Brisebois and Goto further teaches display (110) is a flat panel display (Fig. 1 of Goto).

Regarding claim 15, the combination Brisebois and Goto teaches switch platform (120) comprises a plurality of electrical switches (205) mounted adjacent respective edges of said display (110) and a frame mounted to said switches (205), said frame surrounding said display

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(110), said frame and switches configured to detect pressure applied proximate respective edges of said flat panel display (Figs. 1 and 2a of Brisebois, col. 5, lines 10- 19).

Regarding claim 17, the combination Brisebois and Goto teaches display is configured to sequentially display a plurality of parameters in response to respective activations of left and right portions (540) of said switch platform (520), increase and decrease a value associated with a displayed one of said parameters in response to activations of top and bottom portions (550) of said switch platform (520) (Fig. 5a of Brisebois, col. 8, line 58 to col. 9, line7).

The combination Goto and Brisebois differs from claim 17 in that it does not specifically teach a selecting a displayed one of said values in response to a touching of a central portion of flat panel display. However, it would have been obvious to obtain selecting a displayed one of said values in response to a touching of a central portion of said flat panel display in order to simplify the circuit and save space of the device.

7. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Brisebois (U.S. Patent No. 6,369,803).

Regarding claim 18, Brisebois teaches an operator interface device comprising: a display panel (510) operable to provide a visual display indicative of a parameter to be controlled and values associated with respective ones of said parameters; an array of discrete pressure sensitive electrical switches (540) positioned adjacent respective edges of said display panel (510); and a frame (520) attached to said array of pressure sensitive electrical switches (540) and configured whereby a pressure applied to a portion of said frame (520) adjacent a respective edge of said display panel (510) causes an activation of a corresponding one of said switches (Fig. 5a of Brisebois, col. 8, line 58 to col. 9, line7).

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Brisebois differs from claim 18 in that he does not specifically teach a discrete electrical switch operable to select a displayed value in response to a touching of a central portion of said display panel. However, it would have been obvious to obtain discrete electrical switch operable to select a displayed value in response to a touching of a central portion of said display panel in order to simplify the circuit and save space of the device.

Regarding claim 19, Brisebois display panel includes left, right, top and bottom edges (540, 550), said frame (520) comprising corresponding left, right, top and bottom portions whereby a pressure applied to said left and right portions (540) of said frame causes respective reverse and forward scrolling through said parameters and a pressure applied to said top and bottom portions (550) of said frame causes respective forward and reverse scrolling through values associated with a selected one of said parameters (Fig. 5a-5d, col. 9, lines 54).

Regarding claim 20, Brisebois further teaches frame (520) is positioned peripheral to said display panel (510).

Response to Arguments

8. Applicant's arguments filed 12/29/2002 have been fully considered but they are not persuasive.

The Applicant argued that Brisebois defines a touch-activated user input device located near the perimeter to the display of the device. However, Brisebois also states that the active edge input device (120) may actually touch display (110) (col. 3, lines 49-51). That means the active edge input device may local on the touch display, it is desirable. Moreover, the Applicant argued that "it is desirable to provide an improved user interface device that is robust and ergonomically correct to create a user friendly environment that does not require...touching the

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actual display". This is one embodiment of the patent. Beside that most of other embodiments require touching the actual display (from col. 5, line 49 to col. 6, line 10). Finally, the combination of Goto and Brisebois is proper because the camera in the Goto system includes a flat panel touch display used to control the functional unit and Brisebois discloses a switch platform mounted to detect a touching a periphery of the display to provide the input signals in which the touching is detected. The incorporate the switch platform mounted to detect a touching a periphery of the display as taught by Brisebois into the flat panel touch display of Goto will allow a user to control the display functions more effective.

Therefore, it is believed that the limitations of claims 1-20 are still met by Brisebois and Goto and the rejection is still maintained.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Jennifer T. Nguyen** whose telephone number is **703-305-3225**.

The examiner can normally be reached on Mon-Fri from 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reach at **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks


Washington, DC. 20231

Or faxed to: 703-872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, sixth-floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is 703-306-0377.

Jennifer T. Nguyen
Patent Examiner
Art Unit 2674



RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600